

**CITY OF CORPUS CHRISTI  
REQUEST FOR INFORMATION (RFI) NO. 2017-04  
WASTEWATER MANAGEMENT PROGRAM IMPLEMENTATION**

**I. INTRODUCTION**

The City of Corpus Christi (City) is considering entering into one or more alternative delivery contracts to support implementation of the City's Wastewater Management Program. To be considered for evaluation, the Respondent shall adhere to the City RFI No. 2017-04 specific instructions provided here-in and below. This solicitation is part of a multi-step procurement process that has not been fully defined at this time. See Exhibit A Project Approach and Exhibit B Transmittal Form.

External private sector expertise is being sought with the overall goal of reducing the total costs for wastewater service delivery. This RFI seeks responses from private sector water/wastewater service providers to be used in development of a procurement model that will seek to optimize some or all of the services provided by the Corpus Christi Wastewater Utility. The City is open to considering a wide range of potential Public-Private Partnership (P3) and outsourcing models.

**A Pre-Submittal Meeting with interested Respondents to discuss the requirements of this RFI will be held on Thursday, October 19, 2017, City Hall Council Chambers, 1st floor, 9:00 AM. Although not mandatory, Respondents are greatly encouraged to attend this meeting. Information provided at this meeting will be posted on CivCast at [www.civcastusa.com](http://www.civcastusa.com) within five working days of the meeting.**

**In the afternoon following the pre-submittal meeting, respondents will have the opportunity to attend a tour of the existing Wastewater Treatment Plants (WWTP) and major pumping stations. The tour may continue the following morning. Details on the tour logistics will be provided at the pre-submittal meeting.**

**II. GENERAL PROVISIONS**

Submit RFI response as follows:

- A. Respondents must submit two (2) paper copies and two (2) flash drives each containing a single file in PDF format of the RFI Response (RFIR) in the **required** format. **RFIR must be received in the City Secretary's Office, 1st Floor, City Hall, 1201 Leopard Street, Corpus Christi, Texas, 78401, by Friday, November 10, 2017, 2:00 PM. No RFIR will be accepted after this date and time.**

No matter which method of delivery a Respondent chooses (United States mail, courier, hand delivery, or other) to submit their RFIR, it is the Respondent's responsibility to ensure that the RFIR is actually received and time-stamped in the City Secretary's Office, 1st Floor, City Hall by the deadline specified above.

- B. Respondents shall submit the RFIR Package in a sealed envelope/box marked: **NO. 2017-04 CITY OF CORPUS CHRISTI WASTEWATER MANAGEMENT PROGRAM IMPLEMENTATION: RFI RESPONSE**". All submittals will become the City's property and will not be returned. Information submitted under this RFI will not, under any circumstances, be considered proprietary or confidential information.
- C. The City reserves the right to:
1. Waive any defect, irregularity, or informality in RFIR procedures or in any response to the RFI;
  2. Reject any or all submittals;
  3. Cancel any portion or the entire RFI at any time;
  4. Re-issue the RFI;
  5. Award and enter into one or more contracts for all or some of the services to be provided under this RFI, with one or more of the Respondents if doing so is determined to be in the best interest of the City;
  6. Extend the submission deadline; and/or
  7. Take any other action reasonably necessary to: (a) administer this RFI in a fair and impartial manner; (b) effectuate City policy; (c) comply with any law, rule, or regulation; (d) ensure the City a full and open opportunity to review, consider, and select the most highly qualified Respondent for the services for which the City seeks to contract.
- D. Questions concerning this RFI must be in writing via CivCast at [www.civcastusa.com](http://www.civcastusa.com). Questions must be received no later than **Friday, October 27, 2017 5:00 PM**. Responses to questions will be posted on CivCast by **Friday, November 3, 2017**.
- E. Notwithstanding this deadline, questions must be submitted with sufficient time allowed for a reply to reach each Respondent before the RFIR Package submission deadline. Any information given to one firm will be furnished to all those known by the City to have indicated an interest to this RFI in writing.
- F. Respondent must timely submit a complete RFIR to the City Secretary in accordance with the instructions contained herein, in order to be eligible to participate in the Request for Proposals or Request for Qualifications or other solicitation related to the P3 Wastewater Management Program Implementation.

### **III. PROCEDURES AND CRITERIA FOR EVALUATION AND SELECTION**

#### **STEP 1 VERIFICATION OF ADMINISTRATIVELY COMPLETE SUBMITTALS**

The City will verify that the Respondent has complied with the provisions of this RFI, completed the RFIR in the required format, and submitted all required attachments and documents, including a completed Exhibit B and all other required documents

shown on the RFI Transmittal Form. The following will be cause to disqualify the submittal administratively:

1. RFIR is not signed by an individual empowered to bind the Respondent;
2. Respondent fails to complete Exhibit B RFI Transmittal Form;
3. Respondent fails to comply with Exhibit C Mandatory Requirements;
4. Respondent fails to comply with Exhibit D Anti-Lobbying Provisions of this RFI. Failure to comply is grounds for disqualification;
5. Respondent fails to timely submit the completed RFIR documents to City Secretary's Office;
6. Respondent fails to acknowledge receipt of Addenda; and
7. RFIR received from a Respondent who has been debarred or suspended by the City, or currently debarred or suspended by Federal, State or City governmental agencies

## **STEP 2 REVIEW OF RFIR AND SUBMITTAL PACKAGE**

From the Respondents remaining after Step 1, the City will review the RFIRs and take other steps to determine the structure of a potential P3 procurement. There will be no screening or short-listing from this phase of the procurement. This step is simply to allow potential providers to offer input into the process of conducting a procurement.

The following criteria will be used in evaluating the Respondent's RFIR.

- A maximum of **thirty-five (35) pages** total is allowed for the RFIR response.
- Each page of the RFIR Package must identify:  
REQUEST FOR INFORMATION (RFI) NO. 2017-04 WASTEWATER  
MANAGEMENT PROGRAM IMPLEMENTATION in the header or footer.
- RFIR must identify the Respondent as the lead offeror and identify any proposed sub-contractors or consultants that will be included on the project team.
- Include a one page transmittal Letter of Interest (LOI) notifying the City of the Respondent's intent to be considered for this project.
- Include a one-page LOI from each subcontractor or consultant proposed in the submittal indicating that the firm's or consultant's desire to be included and indicating a general statement of the scope of services that the sub-consultant will perform if the submitting Respondent is selected.
- LOIs and Exhibit B Transmittal Form (which must be completed and submitted in the RFIR Package), shall not count toward the maximum page limit requirement.
- Include one-sided pages that are legible, with appropriate font size, margins, and line spacing.
- An 11x 17 page counts as a single page and can only be used to demonstrate a project organization chart, management work flow or schedule. The majority of the RFIR shall be 8.5 x 11 pages.

**A. Experience and Qualifications**

1. Describe a brief history of the Respondent lead company/firm and provide any background information that may be relevant to the City's needs on this project.
2. Provide information on relevant project experience with other projects that could be considered as outsourcing models for this procurement.
3. Provide an overview of project team structure and anticipated roles.

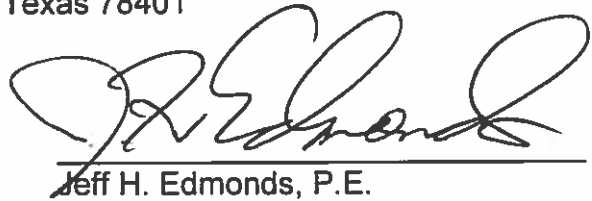
**B. Outsourcing Approach**

1. Describe a scope of work that should be included in an outsourcing contract that will best allow the City to take advantage of outsourcing opportunities to mitigate impacts to ratepayers. Should there be one or multiple procurement packages? How should scope be packaged to best take advantage of the private sector, balance risks and facilitate performance monitoring?
2. Describe an ideal procurement approach that would allow the City to best take advantage of the offeror's capabilities while providing for a competitive procurement that will protect the City's interests.
3. Describe the best model for compensation of the offeror. Why is the recommended model the best? How does the recommended model balance the needs of the offeror and the City?
4. How will the City ensure that value for money is received? What is the best way for the City to monitor offeror's performance? What remedies should be available to the City to address performance deficiencies? How would the City retain and exercise step-in rights?
5. Describe the term length that would allow the best economic proposal and why the offeror feels that the proposed term would be in the best interest of the City. What would be the best model to address cost escalation over time? How will capital expenditures be compensated and paid for?
6. What risks is the offeror prepared to accept? How will the risks be transferred? What risks will remain with the City?
7. What sort of guarantees should be required for on-time project delivery? How should this be enforced?
8. What sort of inherently governmental activities should be retained by the City related to this procurement?
9. What performance surety or other mechanism should be used to protect the City against performance risk?
10. What information or data would be required for the offeror to perfect an economic proposal to the City?
11. Please provide any additional information that the offeror believes would be useful to the City for the development of a P3 procurement.

An RFI schedule is attached as Exhibit E Schedule.

The **Authorized Contact Person** for this RFI is:

Jeff H. Edmonds, P.E.  
Director of Engineering Services  
(361) 826-3851  
JeffreyE@cctexas.com  
1201 Leopard Street  
3<sup>rd</sup> Floor, City Hall  
Corpus Christi, Texas 78401

A handwritten signature in black ink, appearing to read 'J. Edmonds', is written over a horizontal line.

Jeff H. Edmonds, P.E.  
Director of Engineering Services

Exhibits:

- A. Project Approach
- B. Transmittal Form
- B-1. Disclosure of Interest
- C. Mandatory Requirements
- D. Anti-Lobbying Provisions
- E. Schedule

**EXHIBIT A  
PROJECT APPROACH**

**CITY OF CORPUS CHRISTI  
REQUEST FOR INFORMATION (RFI) NO. 2017-04  
WASTEWATER MANAGEMENT PROGRAM IMPLEMENTATION**

**Wastewater System Description**

The City of Corpus Christi presently owns and operates six wastewater treatment plants (WWTPs) in and around the City. Four of the plants are located in the main part of the City, one is located on and serves the Flour Bluff area and one is located on Padre Island. The plants vary in age from original construction in the 1940s and 50s to the recently constructed Broadway WWTP. The City has an extensive collection system with 1,243 miles of sanitary sewer, 100 pump stations and 54 miles of force main. Improvements and expansion costs continue to mount due to their age and the periodic change of discharge parameters by the Texas Commission on Environmental Quality. In addition, the projected continued growth of the City is expected to require the construction of expansions at several of the plants within the next 5 - 10 years.

**Project Scope**

The overall objective of this program is to minimize the impact to ratepayers from operation and maintenance costs and necessary capital improvements. Should the process proceed, the concepts defined by the responses to this RFI will be used to create one or more Requests for Proposals to which potential Public-Private Partnership (P3) providers will be invited to respond.

The following is a preliminary approach to the potential procurement:

- Phase 1: RFI
  - Identify potential P3 proponents.
  - Solicit information from proponents on how to structure a competitive P3 procurement.
- Phase 2: Develop Outsourcing Scope and Procurement Approach
  - Review information receiving in RFI process
  - Facilitate council decisions
  - Develop a logical P3 scope of work
  - Develop a procurement strategy
  - Develop an evaluation framework
- Phase 3: Publish a P3 Request for Proposals (RFP)
  - Publish RFP
  - Evaluate proposals
  - Make selection with successful proponent
  - Negotiate contract and activity transition schedule

- Phase 4: Phase-in Activities
  - Phase-in contracted responsibilities
  - Phase-out of activities being contracted
- Phase 5: Performance Monitoring
  - Monitor performance metric compliance
  - Process pay requisitions
  - Manage performance exceptions per contract terms

**EXHIBIT B  
TRANSMITTAL FORM**

**CITY OF CORPUS CHRISTI  
REQUEST FOR INFORMATION (RFI) NO. 2017-04  
WASTEWATER MANAGEMENT PROGRAM IMPLEMENTATION**

Jeff H. Edmonds, P.E.  
Director of Engineering Services  
1201 Leopard Street  
Corpus Christi, TX 78401

\_\_\_\_\_ (the "Respondent") hereby submits its Request for Information Response (RFIR)  
Wastewater Management Program Implementation.

Respondent accepts all the requirements, terms, and conditions of the RFI, including without limitation those dealing with the required performance and payment bonds and insurance. The RFIR will remain subject to acceptance for sixty (60) days after the opening of RFIRs.

In submitting this RFIR, Respondent certifies, represents and warrants, that:

- A. The submittal of the RFIR has been duly authorized by, and in all respects binding upon, the Respondent.
- B. The undersigned declares that it is the Respondent or by holding the position below indicated is authorized to execute this RFIR Transmittal Letter on behalf of the Respondent and that all representations made on this form are true and accurate.
- C. Respondent has examined, carefully studied and understands and agrees to be bound by the requirements of the RFI, the other related information identified in the RFI, and the following Addenda, receipt of all of which is hereby acknowledged:

Addendum No.	Addendum Date	Signature Acknowledging Receipt



- D. All information and statements contained in the RFIR are current, correct and complete and are made with full knowledge that the City will rely on such information and statements in evaluating the RFIR.
- E. The submission of this RFIR will constitute an incontrovertible representation by Respondent that Respondent has complied with every requirement of the RFIR and Addenda without exception.
- F. Respondent acknowledges that it is aware and understands the requirements of Chapter 176 of the Texas Local Government Code which requires firms seeking to do business with the City of Corpus Christi to file a Conflict of Interest Questionnaire with the City Secretary, but only if there is a business relationship noted (as defined in Section 176.001(1-a) in the Texas Local Government Code). Respondent also acknowledges that it is solely responsible for complying with such requirements.
- G. Respondent certifies that:
- 1). Exhibit C Mandatory Requirements will be met.
  - 2). Exhibit D Anti-Lobbying Provisions will be met.
  - 3). Letters of Interest (LOI) are included in the RFIR for Respondent and each sub-consultant.
  - 4). A completed Disclosure of Interest Form (Exhibit B-1) is attached for Respondent and each sub-consultant.
- H. The Surety identified on the commitment letter submitted in Exhibit C is authorized by law to do business in the State of Texas pursuant to a current certificate of authority to transact surety business and the Surety has an A.M. Best Company Rating of no less than A-VII.
- I. The insurance company identified on the commitment letter submitted in Exhibit C is duly licensed or authorized in the jurisdiction in which the Project is located to issue policies for the limits and coverages so required and has an A.M. Best Company Rating of no less than A-VII.
- J. The Respondent must have DUNS number (Data Universal Number System) as provided by Dun & Bradstreet (D&B). The Respondent's DUNS number is \_\_\_\_\_.
- [To apply for a DUNS number, call D&B at 1-866-705-5711 and indicate that Respondent is a prospective applicant for a job that is funded by a Federal Program. Obtaining a DUNS number is free and the process to request a number takes about 10 minutes.]
- K. Respondent is familiar with and is satisfied as to all federal, state and local Laws and regulations that may affect furnishing the Services.
- L. Respondent has given notice of all conflicts, errors, ambiguities or discrepancies that Respondent has discovered in the RFI.

M. Respondent further represents that this RFIR is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Respondent has not directly or indirectly induced or solicited any other Respondent to submit a false or sham RFIR; Respondent has not solicited or induced any individual or entity to refrain from making an RFIR; and Respondent has not sought by collusion to obtain for itself any advantage over any other Respondent or over City.

The following documents are attached to this Exhibit B and made a condition of this RFIR:

A. Attachments

1. Exhibit B-1: Disclosure of Interest for Respondent
2. Exhibit B-1: Disclosure of Interest for each sub-consultant
3. Exhibit C: Mandatory Requirements

The principal contact person who will serve as the interface between the City and the Respondent for all communications during the procurement process is:

Name:

Title:

Address:

Telephone:

Email:

The terms used in this letter have the meanings indicated in the RFI. The significance of terms with initial capital letters is described in the RFI.

Respondent agrees that venue shall lie exclusively in Nueces County, Texas for any legal action.

This RFIR is submitted by:

Respondent Legal

Name:

\_\_\_\_\_  
(typed or printed)

State of Incorporation:

Type:

\_\_\_\_\_  
(General Business, Professional, Service, Limited Liability)

Date of Qualification to do business in  
Texas is:

By:

\_\_\_\_\_  
(Signature -- attach evidence of authority to sign)

Name: \_\_\_\_\_  
(typed or printed)

Title: \_\_\_\_\_  
\_\_\_\_\_

Business address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

State \_\_\_\_\_) §  
County of \_\_\_\_\_) §

\_\_\_\_\_ (Name), being duly sworn deposes and says that he/she is \_\_\_\_\_ (Title)  
of \_\_\_\_\_ (legal name of Respondent)

\_\_\_\_\_  
(Signature)

Signed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Notary Public Signature) (Printed Name)

My commission expires:  
\_\_\_\_\_

**EXHIBIT B-1  
DISCLOSURE OF INTEREST**



**CITY OF CORPUS CHRISTI  
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WASTEWATER MANAGEMENT PROGRAM IMPLEMENTATION**

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA". See reverse side for Filing Requirements, Certifications and definitions.

**COMPANY NAME:** \_\_\_\_\_

**P. O. BOX:** \_\_\_\_\_

**STREET ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_

**ZIP:** \_\_\_\_\_

**FIRM IS:**

1. Corporation ☐  
4. Association ☐

2. Partnership ☐  
5. Other ☐

3. Sole Owner ☐

**DISCLOSURE QUESTIONS**

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name

known)

Job Title and City Department (if

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2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name

Title

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3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name

Board, Commission or Committee

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4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name

Consultant

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### **FILING REQUIREMENTS**

If a person who requests official action on a matter knows that the requested action will confer an economic benefit on any City official or employee that is distinguishable from the effect that the action will have on members of the public in general or a substantial segment thereof, you shall disclose that fact in a signed writing to the City official, employee or body that has been requested to act in the matter, unless the interest of the City official or employee in the matter is apparent. The disclosure shall also be made in a signed writing filed with the City Secretary. [Ethics Ordinance Section 2-349 (d)]

### **CERTIFICATION**

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

**Certifying Person:**

**Title:**

\_\_\_\_\_  
(Type or Print)

**Signature of Certifying  
Person:**

**Date:**

### **DEFINITIONS**

- a. "Board member." A member of any board, commission, or committee appointed by the City Council of the City of Corpus Christi, Texas.
- b. "Economic benefit". An action that is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof.
- c. "Employee." Any person employed by the City of Corpus Christi, Texas either on a full or part-time basis, but not as an independent contractor.
- d. "Firm." Any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or service, including but not limited to, entities operated in the form of sole proprietorship, as self-employed person, partnership, corporation, joint stock company, joint venture, receivership or trust, and entities which for purposes of taxation are treated as non-profit organizations.
- e. "Official." The Mayor, members of the City Council, City Manager, Deputy City Manager, Assistant City Managers, Department and Division Heads, and Municipal Court Judges of the City of Corpus Christi, Texas.
- f. "Ownership Interest." Legal or equitable interest, whether actually or constructively held, in a firm, including when such interest is held through an agent, trust, estate, or holding entity. "Constructively held" refers to holdings or control established through voting trusts, proxies, or special terms of venture or partnership agreements."
- g. "Consultant." Any person or firm, such as engineers and architects, hired by the City of Corpus Christi for the purpose of professional consultation and recommendation.

**EXHIBIT C**  
**MANDATORY REQUIREMENTS**

**CITY OF CORPUS CHRISTI**  
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**Ethical Behavior in General, Strict Compliance with Anti-Lobbying Provisions (Exhibit D)**

Respondent's officers, employees, or agents, each and every one, shall comply with the Anti-Lobbying Provisions of this RFI (See Exhibit "D") and may not attempt to lobby or influence a vote or recommendation related to the Respondent's statement submitted in response to this RFI, directly or indirectly, through any contact with City Council Members or other City officials between the deadline for submission of its statement and the date Respondent receives notification from the City that it is or is not qualified. Such behavior will be cause for rejection of the Respondent's statement at the discretion of the City Manager or designee.

**Standards and Codes**

The Respondent/Respondent team (Respondent's) work will be performed in accordance with the most current applicable codes and standards.

**Safety Requirements**

If Respondent or its subcontractors are observed engaging in any unsafe activities or unsanitary practices which may be detrimental to City facilities or the general public, the individual will be immediately removed from the worksite. Depending on the nature and severity of the offense, the individual may be allowed to return to work after receiving safety training satisfactory to the City.

**EXHIBIT D  
ANTI-LOBBYING PROVISIONS**

**CITY OF CORPUS CHRISTI  
REQUEST FOR INFORMATION (RFI) NO. 2017-04  
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**§ 1. Definitions**

- (1) “Agent” means a person authorized by a Respondent to act for or in place of Respondent, including a person acting at the request of Respondent, a person acting with the knowledge and consent of a Respondent, or a person acting with any arrangement, coordination, or direction between the person and the Respondent.
- (2) “Authorized Contact Person” means the person identified in this RFI as the contact regarding this RFI, or the Authorized Contact Person’s designee during the course of the no-contact period.
- (3) “City Employee” means a person employed by the City.
- (4) “City Official”, unless otherwise expressly defined, means the Mayor, members of the City Council, Municipal Court Judges (including substitute judges), City Manager, Assistant City Managers, City Secretary, Assistant City Secretary, City Attorney, Assistant City Attorneys, all department heads or assistant department heads, whether such person is salaried, hired or elected, and all other persons holding positions designated by the City Charter, as it may be amended from time to time. City official, unless otherwise expressly defined, includes individuals appointed by the mayor and the city council to all city commissions, committees, boards, or other city bodies.
- (5) “Director” means the Director of Engineering Services – the department to which the City Manager has delegated authority for enforcing this RFI.
- (6) “No-Contact Period” means the period of time from the date of issuance of this RFI until such a time that a contract is executed under a future related solicitation that City may issue at its sole discretion. If the City withdraws the RFI with the stated intention to reissue the same or similar Solicitation for the same or similar project, the No-Contact Period continues during the time period between the withdrawal and reissue.
- (7) “RFI” refers to a Request for Information or this RFI.
- (8) “Response” means a response to this RFI.
- (9) “Respondent” means a person responding to this RFI including a bidder, a quoter, responder, or a proposer. The term “Respondent” also includes:

- (a) An owner, board member, officer, employee, contractor, subsidiary, joint enterprise, partnership, agent, lobbyist, or other representative of a Respondent.
  - (b) A person or representative of a person that is involved in a joint venture with the Respondent, or a subcontractor in connection with the Respondent's response;
  - (c) A Respondent's Agent;
  - (d) A Respondent who has withdrawn a response or who has had a response rejected or disqualified by the City.
  - (e) A person or entity acting on a Respondent's behalf.
- (10) "Representation" means a communication, written or oral, from a Respondent or its Agent to a Council Member, City Official, City Employee or City representative related to a Response or this RFI that is intended to or that is reasonably likely to:
- (a) Provide information about the Response;
  - (b) Advance the interests of the Respondent in regards to this RFI;
  - (c) Discredit the Response of any other Respondent;
  - (d) Encourage the City to withdraw the RFI;
  - (e) Encourage the City to reject all of the Responses;
  - (f) Convey a complaint about a particular matter related to this RFI; or
  - (g) Directly or indirectly ask, influence, or persuade any City official, City employee, or body to favor or oppose, recommend or not recommend, vote for or against, consider or not consider, or take action or refrain from taking action of any vote, decision, or agenda item regarding the subject matter of this RFI.
- (11) "Solicitation" means a Request for Qualifications, a Request for Proposals, a Request for Information or any other solicitation whereby the City invites or requests for persons or firms to submit their qualifications or proposals for consideration to conduct business with the City.

## **§ 2 RESPONDENTS AGREEMENT TO COMPLY; EQUALITY OF RESPONDENTS; EQUAL ACCESS.**

- (A) By responding to this RFI, Respondents agree to abide by the terms of the RFI, including these anti-lobbying provisions, which are incorporated into and made a part of this RFI.
- (B) Each Response must be considered on the same basis as all others; and
- (C) Respondents have equal access to information regarding this RFI and the same opportunity to present information regarding this RFI for consideration by the City.

## **§ 3 RESTRICTION ON CONTACTS.**

- (A) During a No-Contact Period, a Respondent shall make a Representation only through the Authorized Contact Person or their designee.



- (B) During the No-Contact Period, a Respondent may not make a Representation to a City Official or to a City Employee other than to the authorized contact person. This prohibition also applies to a vendor that makes a Representation and then becomes a Respondent.
- (C) The prohibition of a Representation during the No-Contact Period applies to a Representation initiated by a Respondent, and to a Representation made in Response to a communication initiated by a City Official or a City Employee other than the Authorized Contact Person.
- (D) If the City withdraws this RFI with a stated intention to reissue the same or similar RFI for the same or similar project, the No-Contact Period shall expire 120 days after the date the RFI is withdrawn if the RFI or another solicitation for the same subject matter has not been reissued during the 120 day period.
- (E) Representations to an independent contractor consultant hired by the City to conduct or assist with an RFI will be treated as Representations to a City Employee.
- (F) A current employee, director, officer or member of a Respondent, or a person related within the first degree of consanguinity or affinity to a current employee, director, officer or member of a Respondent, is presumed to be an Agent of the Respondent for purposes of making a Representation. This presumption is rebuttable by a preponderance of the evidence as determined by the Director.

#### **§ 4 PERMITTED REPRESENTATIONS.**

- (A) If City seeks additional information from Respondent, the Respondent shall submit the Representation in writing only to the Authorized Contact Person. The Authorized Contact Person shall distribute the written Representation in accordance with the terms of this RFI. This subsection does not permit a Respondent to amend or add information to a response after the response deadline.
- (B) If Respondent wishes to send a complaint regarding this RFI to the City, the Respondent shall submit the complaint in writing only to the Authorized Contact Person. The Authorized Contact Person shall review the complaint with his or her supervisor and provide written response.
- (C) If a Respondent makes a written inquiry regarding this RFI during the period of inquiries provided in this RFI, the Authorized Contact Person shall provide a written answer to the inquiry and distribute the inquiry and answer to all Respondents of the particular solicitation.
- (D) Suggestions or complaints about the process must be submitted to the Authorized Contact Person.

(E) This RFI allows Representations:

- (1) Made at a meeting convened by the Authorized Contact Person, including meetings to evaluate responses, discuss future solicitations or negotiate a contract;
- (2) Made to the City Risk Management coordinator about insurance requirements for a solicitation; or
- (3) Made in public at a meeting held under Texas Government Code, Chapter 551 (Open Meetings Act).

## **§ 5 NOTICE.**

- (A) If any City official or City employee, other than the authorized contact person, approaches a Respondent for response or information related to this RFI during the no-contact period, the Respondent should notify the Authorized Contact Person, and the Respondent is at jeopardy if he or she makes any Representation in response.
- (B) That the no-contact period for this RFI is in effect.
- (C) If this RFI will be reviewed by a City board, the Director for this RFI shall notify in writing each member of the board that the No-Contact Period for this RFI is in effect.

## **§ 6 DISCLOSURE OF PROHIBITED REPRESENTATION.**

- (A) If a City Official or City Employee receives a Representation during the No-Contact Period, the official or employee shall notify in writing the Authorized Contact Person for this RFI as soon as practicable.
- (B) During the No-Contact Period, a City Official or City Employee, except for the Authorized Contact Person, shall not solicit a Representation from a Respondent.

## **§ 7 ENFORCEMENT.**

- (A) A Respondent that makes a prohibited Representation violates this RFI. If the Authorized Contact Person for this RFI is informed, or receives information, that a Respondent has made a prohibited Representation during the No-Contact Period, the Authorized Contact Person shall document the Representation and notify the Director immediately.
- (B) If the Director finds that a Respondent has violated this RFI, the Respondent will be disqualified from all solicitations for the same subject matter issued by the City for five years from the date the RFI was issued. The Director may determine what constitutes "same subject matter" for purposes of this subsection.

- (C) The Department of Engineering Services may adopt rules to administer and enforce this RFI. The rules must include the provision of written notice of disqualification to the Respondent and a process to protest a disqualification.
- (D) This RFI is not subject to enforcement by the Ethics Commission.

#### **§ 8 CONTRACT VOIDABLE.**

If a contract is awarded under a future related solicitation that City may issue at its sole discretion to a Respondent who has violated this RFI, the contract is voidable by the City Manager.

#### **§ 9 DEBARMENT.**

If a Respondent has been disqualified for violating the anti-lobbying provisions of a solicitation more than two times in a sixty month period, the Director shall debar a Respondent and the entity they represent from contracting with the City for their services in accordance with Chapter 41 of City's Code of Ordinance.

**EXHIBIT E  
SCHEDULE**

**CITY OF CORPUS CHRISTI  
REQUEST FOR INFORMATION (RFI) NO. 2017-04  
WASTEWATER MANAGEMENT PROGRAM IMPLEMENTATION**

Friday	September 29, 2017	City to post RFI No. 2017-04
Thursday	October 19, 2017 9:00 AM CST	Pre-Submittal Meeting in City Hall Council Chambers
Friday	October 27, 2017 5:00 PM CST	Deadline for written questions
Friday	November 3, 2017	City to post response to questions
Friday	November 10, 2017 2:00 PM CST	Deadline for RFI No. 2017-04 submission